

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM
Ident. Number:
86-12158

CIVIL CASE NUMBER: 39576

RECEIVED

DEC 05 2022

DEPARTMENT OF
WATER RESOURCES

Date Received: 10/26/2022
Receipt No: C114708
Claim Fee: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s)

SHELLY WOLFF
30541 LELAND RD
JULIAETTA ID 83535

Phone: (208) 791-7602

RICHARD WOLFF
30541 LELAND RD
JULIAETTA ID 83535

Phone: (208) 791-7602

2. Date of Priority: Nov 1 1 1968

3. Source:

GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
37N	03W	1	<u>SE</u> NW		NEZ PERCE	

5. Description of diverting works:

Well with pump, pipelines to barn, shop and home and pasture.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.04		
STOCKWATER	01/01	12/31	0.02		

7. Total Quantity Appropriated is:

0.06 C.F.S. and/or A.F.A.

86-12158

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DEC 06 2022
1

8. Non-irrigation uses:

Stockwater - 1 barn 1 pasture
Domestic - 1 home 1 shop

9. Place of use:

DOMESTIC within NEZ PERCE County

Township	Range	Section	¼	of	¼	Lot	Acres
37N	03W	1	NE		NW	3	
37N	03W	1	SE		NW		

STOCKWATER within NEZ PERCE County

Township	Range	Section	¼	of	¼	Lot	Acres
37N	03W	1	NE		NW	3	
37N	03W	1	SE		NW		

10. Do you own the property listed above as place of use? Yes

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used:

12. Remarks:

Priority Date Explanation:

1st hand knowledge of family member (self) *original paperwork in possession.*

Parcel No. RP37N03W012524

13. Basis of Claim: Beneficial Use

14. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the SNAKE River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

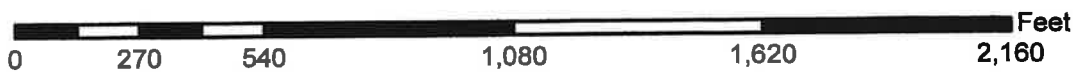
Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Brian A. Wolff Date: _____
Shelly J. Wolff Date: _____

Wolff
~~Wolf~~ - Claim Map



Please mark the location of the point of diversion
on the map and return it with the completed claim.



Parcel No: RP37N03W012524



RECEIVED

NOV 23 2022

DEPARTMENT OF
WATER RESOURCESDISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of IdahoIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

By _____ CIVIL CASE NUMBER: 39576

Claim ID: 06-12158

Date Received: 11.23.22

Receipt No: C114708

Claim Fee: 25 By: LM

Clerk
Deputy Clerk

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

Please type or print clearly

- Name of claimant(s) Richard and/or Shelly Wolff Phone (208) 791-7602
Mailing address 30541 Leland Rd Juliaetta ID Zip 83535
Street or Box City State
Email address (optional) bling.5@yahoo.com
- Date of priority: (Only one per claim) _____ (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water (X) or Other () (a) _____
which is tributary to (b) _____
- Location of point of diversion is: Township _____, Range _____, Section _____,
_____ 1/4 of _____ 1/4, or Govt. Lot _____ BM, County of _____;
Parcel no. RP37ND3WD12524
Additional points of diversion, if any: _____
If available, GPS coordinates: _____
- Description of diverting works (wells, pumps, spring boxes, pipelines, etc.) including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.
Well with pump, Pipelines to barn, Shop and home and
Pasture
- Water is claimed for the following: (limited to domestic and/or stockwater uses - see page 1 of the instructions)
For Domestic purposes from 1/01 to 1/31 amount _____ cfs () or AFY ()
For Stock purposes from 1/01 to 1/31 amount _____
- Total quantity claimed _____ cfs () or AFY ()
- Non-irrigation uses. Describe fully. (Domestic: give number of homes; Stockwater: list number and kind)
Domestic - 1 home 1 shop Stockwater - 1 barn 1 pasture

9. Location of place of use is: Township _____, Range _____, Section _____,
_____ 1/4 of _____ 1/4, Govt. Lot _____ BM, Parcel no. RP37ND3W012524
If different than shown in Item 4
for (check one) Domestic () Stock () Domestic and Stock (✓)

Additional places of use, if any _____

10. In which county(ies) are lands listed above as place of use located? Nez Perce

11. Do you own the property listed above as place of use? Yes (✓) No ()
If the answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

13. Remarks (include an explanation of the priority date selected):
1st hand knowledge of family member (self)

14. Basis of claim (check one) Beneficial Use (✓) Posted Notice () License () Permit () Decree ()
Court _____ Decree Date _____ Plaintiff v. Defendant _____
If applicable provide IDWR Water Right Number 86-12158

15. **Signature(s)**

- (a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How You Will Receive Notice in the Snake River Basin Adjudication."
(b.) I/We do () do not () wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) Bird a wolf Date: 10-26-22
Shelly J Wolf Date: 10-26-22

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

_____ of _____,
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Printed Name of Authorized Agent _____

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) _____, will be acting as attorney at law of behalf on the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

Name of claimant(s) _____ Claim ID _____

RECEIVED

NOV 18 2022

DEPARTMENT OF
WATER RESOURCES

RECEIVED

NOV 18 2022

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase

86-12158

(Insert water right number)

MOTION FOR DETERMINATION OF
DEFERRED *DE MINIMIS* DOMESTIC OR
STOCK WATER USE

Please fill in the following information:

NAME AND ADDRESS OF WATER RIGHT CLAIMANT.

Name:

Richard and/or Shelly Wdlff

Address:

30541 Leland Rd

Juliaetta, ID 83535

Daytime Phone: 208-791-7602

Name & Address of Attorney, if any:

I HAVE ATTACHED:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☒ A claim filing fee for a domestic and stock water use pursuant to I.C. § 42-1414. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount required by the statute.

SCANNED

NOV 21 2022

I HAVE READ AND REVIEWED THE FOLLOWING:

- ☒ The procedures governing the filing and prosecution of this Motion as set forth in the Court's *Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims*, entered in SRBA Case No. 39576 on June 28, 2012, and the *Order Amending Procedure in the SRBA for Adjudication of Deferred De Minimis Stockwater Claims*, entered October 17, 2017.
- ☒ The *Order Granting State of Idaho's Motion for Interim Order Implementing the Order Governing Procedures of Adjudication of Deferred De Minimis Domestic and Stock Water Claims*, entered in SRBA Case No. 39576 on December 18, 2013.

INSTRUCTIONS REGARDING THE HEARING ON THIS MOTION: A hearing on your Motion will be scheduled by the Court after the filing of the *Affidavit of Publication* as required under paragraph B.1. of the *Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims*, entered in SRBA Case No. 39576 on June 28, 2012, and the *Order Amending Procedure in the SRBA for Adjudication of Deferred De Minimis Stockwater Claims*, entered October 17, 2017.

Signed: Brida Waelf
Shelly F Woyto

Dated: 10-26-22

CERTIFICATE OF MAILING

I certify that on November 10, 2022 I mailed original and copies of this form, including all attachments, via certified mail and addressed as follows to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Ave. North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div.
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0010

3. Certified Mail Copies to:

U.S. Attorney's Office
1290 W Myrtle St, Ste 500
Boise, ID 83702

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Beth A. Wolff
Signature of person or attorney mailing the form
Shelly J. Wolff

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls-State of Idaho

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 86-12158

JAN 17 2024

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: RICHARD WOLFF
SHELLY WOLFF
30541 LELAND RD
JULIAETTA, ID 83535

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 11/01/1968

POINT OF DIVERSION: T37N R03W S01 LOT 4 (SENN) Within Nez Perce County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.04 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

Domestic use is for 1 home.

PLACE OF USE:	Stockwater	Within Nez Perce County
	T37N R03W S01 LOT 3 (NENW)	SENN
	Domestic	Within Nez Perce County
	T37N R03W S01 LOT 3 (NENW)	SENN

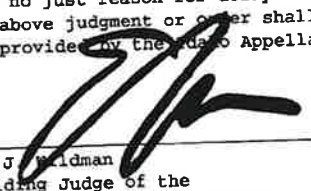
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a
determination of historical beneficial use.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Eric J. Midman
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
AUG 15 2023	
By _____	Clerk
	Deputy Clerk

**DIRECTOR'S REPORT OF DEFERRED
DE MINIMIS DOMESTIC AND/OR STOCK WATER USE**

Claim No. 86-12158

In Re SRBA
Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Gary Spackman, Director
Craig Saxton, Manager, Adjudication Section

August 11, 2023

SCANNED

DESCRIPTIVE SUMMARY

This is a Director's Report of Deferred *De Minimis* Domestic and/or Stock Water Use submitted by the Director of the Idaho Department of Water Resources (IDWR).

INTRODUCTION

A Motion for Determination of Deferred *De Minimis* Domestic and/or Stock Water Use (Motion), as well as a Notice of Claim to Water Right, was received by the Court on November 18, 2022, for water right claim no. 86-12158. The Claimant published notice of the Motion, and has now completed his examination of the water right claim. The examination was conducted by Jared Klay, Water Resource Agent, Adjudication Section, on behalf of the Director. The materials used in and results of the examination of the elements of water right claim no. 86-12158 are discussed below.

DISCUSSION

Priority Date

The claimed priority date is November 1, 1968. Nez Perce County parcel data shows a built date of 1992. However, USGS Earth Explorer data shows that home was visible in historic air photo dated 9/11/1953.

The priority date is recommended as November 1, 1968.

Point of Diversion

The claimed point of diversion is located on Nez Perce County parcel RP37N03W012524. The location of the point of diversion is described as Township 37 North, Range 03 West, Section 1, SENW. The claimant provided maps that clearly identifies the location of the well. According to the Nez Perce County parcel data, Richard Wolff owns the property at the points of diversion. The point of diversion is recommended as claimed.

Source

The source claimed is “groundwater”. The documents in the claim file describes the claimed source as a well. The source for water diverted from a well is ground water. The source claimed under 86-12158 is recommended as claimed.

Place of Use

The claimed place of use is located on Nez Perce County parcel RP37N03W012524. The location of the place of use is described as Township 37 North, Range 03 West, Section 1, SENW and Govt Lot #3 (NENW). According to the Nez Perce County parcel data, Richard & Shelly Wolff own the property described as the claimed place of use. The place of use is recommended as claimed.

Purpose of Use and Period of Use

The claimed purpose of use is for domestic use for 1 home and 1 shop and for stockwater use. Evidence of domestic structures is visible on aerial photography provided by the claimant. Stockwater use for 1-4 horses confirmed with claimant through e-mail on August 6, 2023.

The claimed year-round season of use is recommended as claimed.

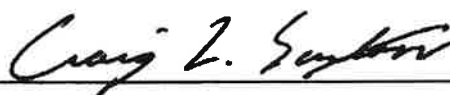
Quantity

The claimed quantity is 0.06 cubic feet per second (“cfs”) which is within the typical range of diversion rates associated with domestic and stockwater use according to Appendix 1 of IDWR’s Adjudication Memorandum #58 and #4. Specifically, 0.04 cfs was claimed for domestic use of 1 home and 1 shop and 0.02 cfs was claimed for stockwater use for 1 barn and 1 pasture. Appendix 1 of IDWR’s Adjudication Memorandum #58 lists a typical diversion rate for up to 50 head of stock at 0.02 cfs. Appendix 1 of IDWR’s Adjudication Memorandum #4 lists a typical diversion rate for domestic use at 0.04 cfs. The quantity recommended is 0.06 cfs.

CONCLUSION

There is sufficient evidence to recommend water right claim 86-12158, as claimed, for domestic and stockwater use. Pursuant to Judge Wildman's *Order Amending Procedures in the SRBA for Adjudication of Deferred De Minimis Stockwater Claims*, dated October 17, 2017, the Director submits this Director's Report of Deferred *De Minimis* Domestic and/or Stock Water Use, Claim No. 86-12158, which includes the recommendation of deferred *de minimis* water right no. 86-12158.

Respectfully submitted this 11th day of August, 2023.



CRAIG L SAXTON
Manager, Adjudication Section

CERTIFICATE OF SERVICE

I certify that on August 11, 2023, I caused to be served a true and correct copy of this Director's Report of Deferred *De Minimis* Domestic and/or Stock Water Use, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail

2. Copies to:

Chief, Energy and Natural Resources Div.
Office of the Attorney General
P.O. Box 83720
Boise, ID 83720-0010

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail

United States Department of Justice
Environment & Natural Resources Div.
550 W. Fort Street MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail

Nez Perce County Courthouse
1230 Main St
Lewiston, ID 83501

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail

Richard & Shelly Wolff
30541 Leland Rd
Juliaetta, ID 83535

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-Mail

U.S. Attorney's Office
1290 West Myrtle Street
Suite 500
Boise, ID 83702

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail



Signature of person delivering form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 86-12158

NAME AND ADDRESS: RICHARD WOLFF
30541 LELAND RD
JULIAETTA ID 83535

SHELLY WOLFF
30541 LELAND RD
JULIAETTA ID 83535

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 11/01/1968

POINT OF DIVERSION: T37N R03W S1 SENW Within NEZ PERCE County

PURPOSE AND PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	DOMESTIC	01/01 12/31	0.040 CFS
	STOCKWATER	01/01 12/31	0.020 CFS
Domestic use is for 1 home.			

PLACE OF USE:	<u>DOMESTIC in NEZ PERCE County</u>	<u>STOCKWATER in NEZ PERCE County</u>
	T37N R03W S01 Lot 3 NENW	T37N R03W S01
		SENW
	T37N R03W S01 Lot 3 NENW	T37N R03W S01
		SENW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Idaho Code § 42-1412(6).

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. RP37N03W012524

Stockwater use is for 4 horses.

MAY 30 2023

DEPARTMENT OF
WATER RESOURCES

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Water Right Claim: 86-12158

Case No. 39576

**NOTICE OF EXAMINATION
OF DEFERRED *DE MINIMIS*
DOMESTIC AND/OR STOCK
WATER USE**

A Motion for Determination of Deferred De Minimis Domestic or Stock Water Use

(Motion) was filed with the district court on November 18, 2022, for water right claim 86-12158.

The claimants have published notice of the Motion, and no objections to the claim have been filed.

The Director of the Idaho Department of Water Resources (IDWR):

- ☐ Will not conduct an examination of the claim
- ☒ Will conduct an examination of the claim and file a report with the district court on or by **January 19, 2024**. The Director estimates the costs for examination of the claim and preparation of the report to be **\$100.00**.
- ☐ Will commence an examination of the water system pursuant to Idaho Code § 42-1410 (2003) and file a report on its findings with the district court on or by _____. The Director estimates the costs for examination of the water system and preparation of the report to be _____.

Pursuant to the *Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims* issued on June 28, 2012, in the Snake River Basin Adjudication (SRBA) main case no. 39576, the claimant shall forward the amount of costs estimated above, \$100.00, to the Director. IDWR has served a copy of this *Notice of Examination of Deferred De Minimis Domestic and/or Stock Water Use* on the claimant(s) as notification that the charges are now due. The claimant should remit payment to: IDWR, P.O. Box 83720, Boise, Idaho 83720-0098.

DATED: January 19, 2023


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on January 19, 2023, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 3rd Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight mail
☒ Regular mail
☐ Hand-delivered
☐ Facsimile

2. Copies to claimant:

Richard and Shelly Wolff
30541 Leland Road
Juliaetta, ID 83535

☐ Overnight mail
☒ Regular mail
☐ Hand-delivered
☐ Facsimile

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

☐ Overnight mail
☐ Regular mail
☒ Hand-delivered
☐ Facsimile

Jeri Harris
Signature of person mailing this document

Saxton, Craig

From: Saxton, Craig
Sent: Friday, November 25, 2022 12:08 PM
To: bling.5@yahoo.com
Subject: Claim 86-12158 filed through a Motion for Determination of Deferred De Minimis Domestic or Stock Water Use
Attachments: 86-12158 Claim Map - Wolff.pdf; 86-12158 Notice Of Claim.docx; 86-12158 Original Claim and Motion.pdf

Shelly,

Thanks for speaking with me on the phone earlier. As we discussed, after reviewing the claim there are several missing elements that need to be completed for the claim to be valid:

Item 2: Priority Date

The priority date is the date that water was first put to beneficial use for the purposes claimed. This date doesn't necessarily need to be the day you specifically first put the water to beneficial use, rather it could be the date a predecessor established the water right. Oftentimes for small domestic and stockwater uses, the priority date is consistent with the date the well was drilled or the home was built and water started being diverted. You will need a month, day and year for the priority date to be complete.

Item 4: Point of Diversion

Even though you listed a parcel number for the point of diversion location, it is not clear if the point of diversion location is in the Lot 3 (NENW) or SENW of section 1. I have attached a map. Please just draw in the location of the well on the map and return it with the completed claim. You mentioned the well is near the end of the driveway, but I don't know which end. On the attached map, if the well is North of the yellow line splitting your parcel, then the point of diversion is in Lot 3 (NENW). If the well is South of the yellow line splitting your property, the well is in the SWNW. You will want to complete item 4 with the correct legal description.

Item 6 & 7: Diversion Rate and Total Quantity Claimed

If you are unsure of the rate to claim, a typical diversion rate for domestic use with lawn and garden irrigation is 0.04 cfs (18 gallons per minute). A typical diversion rate for stockwater up to 50 head is 0.02 cfs. On the new version of your cl

I have attached several documents:

- Original Notice of Claim 86-12158 and *Motion for Determination of Deferred De Minimis Domestic or Stock Water Use*
- Updated Notice of Claim 86-12158 in WORD format
- 86-12158 Claim Map

I spoke with Diana Delany of the SRBA court and she said that because several items were completely blank, you should resend to all parties listed on the Certificate of mailing. I am including the courts phone number if you would like to call and confirm: (208) 736-3011.

You have a couple of options how to do this.

- 1) You can just take the original copy of your claim and write in the missing information adding your initials next to the additions/changes and resend that with copies of the original motion to the parties. Please include a copy of the map where you have identified the point of diversion (well) location.

Or

- 2) You can use the new claim I am attaching. I have highlighted areas that need to be completed (such as the Priority Date), as well as areas where I filled in missing data (such as the diversion rate and POD location). Please complete highlighted areas and review any changes or additions to the claim. You can mail this version of the claim along with a copy of the original motion to all parties. Please include a copy of the map where you have identified the point of diversion (well) location.

After you have done this, you can prepare to publish notice. Here are the links to some helpful documents.

- [Deferred De Minimis Domestic and/or Stockwater Use and the Process for Filing Deferred Claims in the Snake River Basin Adjudication \(SRBA\)](#)
- [Motion for Determination of Deferred De Minimis Domestic or Stock Water Use](#)
- [Form Instructions – Motion for Determination of Deferred De Minimis Domestic or Stock Water Use](#)
- [Example Advertising Template – For Newspaper Notice](#)

Please drop me a line if you have any questions.

Respectfully,

Craig L. Saxton
Adjudication Section Manager
322 E Front St
Boise ID 83720-0098
Craig.saxton@idwr.idaho.gov
208.287.4916



Memorandum

5/19/2023

From: Jared Klay & Craig Saxton

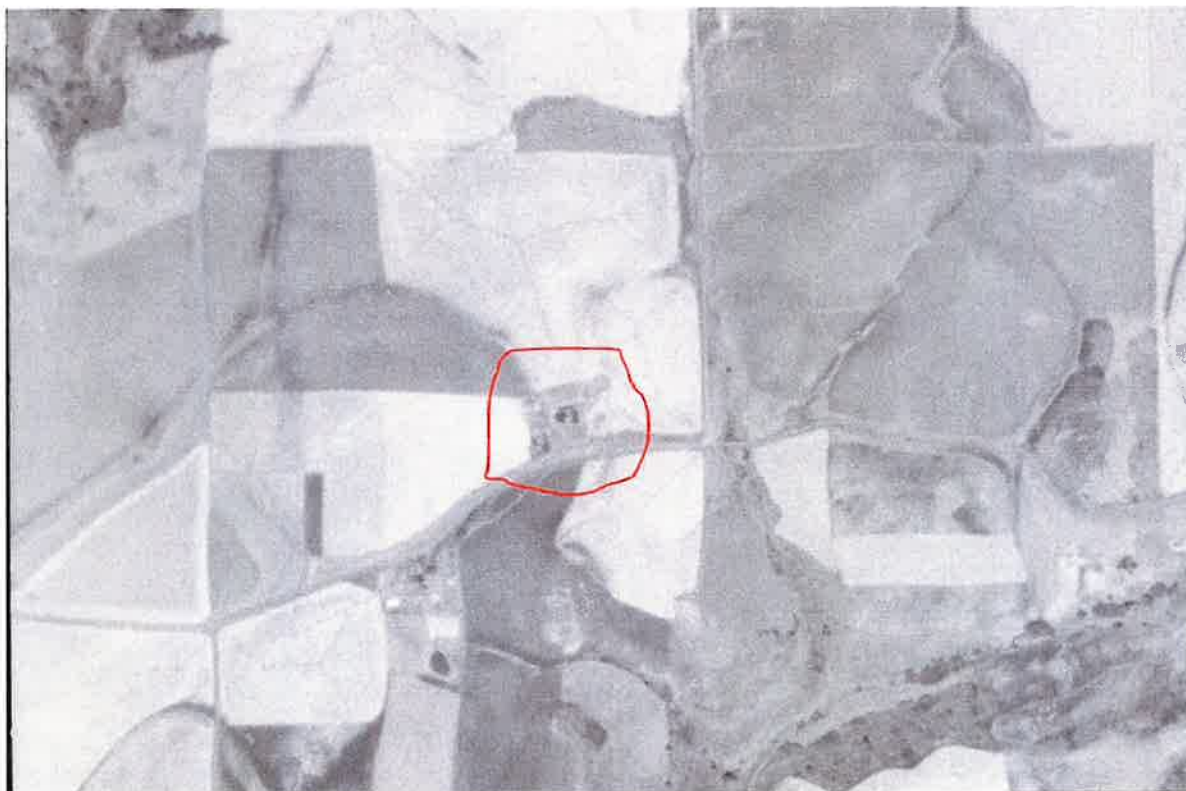
Re: Evidence of priority for claim 86-12158

Photo was obtained from USGS Earth Explorer website.

Photo date: 9/11/1953: USGS Earth Explorer

File name: Entity ID ARA010904906069

This photo indicates domestic use at the claimed place of use dating back to 9/11/1953.



Klay, Jared

From: Shelly Wolff <bling.5@yahoo.com>
Sent: Sunday, August 6, 2023 12:47 AM
To: Klay, Jared
Subject: Re: Claim 86-12158

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Sorry for the response delay, we've been out of service area. We have 1-4 horses for a few months every year from usually April to about August.

Leaving town again 8/6-8/17 with no phone or wifi service.

Thank you

Rich & Shelly Wolff

[Sent from Yahoo Mail for iPhone](#)

On Thursday, August 3, 2023, 10:47 AM, Klay, Jared <jared.klay@idwr.idaho.gov> wrote:

Shelly,

We are getting ready to submit our recommendation to the court and are wondering if you can give us an estimate of the number of stock.

Jared Klay | Water Resource Agent

Idaho Department of Water Resources | 322 E Front St., Boise

208-287-4871 | jared.klay@idwr.idaho.gov

